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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/314,424	05/18/1999	BERTRAM V. BURKE	1357-3U (EPC 71)	5182
7590 08/12/2009				
Bertram V. Burke 3338 Charles MacDonald Drive Sarasota, FL 34240			EXAMINER JANVIER, JEAN D	
			ART UNIT 3688	PAPER NUMBER
			MAIL DATE 08/12/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BERTRAM V. BURKE

Application No. 09/314,424
Technology Center 3600

Mailed: August 12, 2009

Before GLORIA HENDERSON, *Review Team Paralegal*
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on August 10, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter(s) requiring attention prior to docketing are identified below:

EXAMINER'S ANSWER-EVIDENCE RELIED UPON

The following reference listed under the Evidence Relied Upon section of the Examiner's Answer filed April 28, 2009, is missing from the IFW file.

"Flowers As a Double Gift" New York Times (May 05, 1990)"

CONCLUSION

Accordingly, it is

ORDERED that the application is electronically returned to the Examiner to have the reference listed above scanned into the record, and for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

/GJH/

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